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**ENGLISH TRANSLATION**

**EUROPEAN PATENT OFFICE**

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**INTERNATIONAL PATENT APPLICATION**  
**No. PCT/FR 00/02747 filed on 18 September 2003**  
**LVMH RECHERCHE**

Dear Sirs,

We write to you further to the First Written Opinion addressed to us on May 17 2004 in relation to the Patent Application mentioned above.

After having studied this Written Opinion, we amend the claims and hereby file new pages 15 to 19 of claims which are intended to replace the corresponding pages originally filed.

**1. Amendments made to the claims**

Independent method claims (1 and 2), as well as independent composition claims (13 and 14) have been limited analogously, in order to better specify the nature of the polymer used as well as its concentration in the cosmetic composition.

More specifically, a limitation has been made to all these claims in the case in which the polymer was a dimethiconol and was at a concentration of between 5 and 30% by weight of the cosmetic composition.

These two limitations are supported perfectly by the whole of the description and in particular correspond to the passage on page 5 lines 24 to 25 relating to the nature of the polymer, and page 6 line 28 relating to its concentration (this is a wide range as it appeared in original claims 6 and 18).

In view of this amendment with regard to the concentration, claims 6 and 18 have now been limited in order to claim the preferred concentration range (10 to 25% by weight), only.

The other claims have been maintained as filed.

## **2. Patentability**

The compositions as now claimed in independent composition claims 13 and 14 are now perfectly novel over the compositions described in document D1.

The composition described in document D1 does in fact effectively contain the silicone gum marketed under the name SGM-36 by DOW-CORNING, as well as n-hexylheptamethyltrisiloxane.

In the Example in question in document D1 however, the silicone gum is at a particularly low concentration and which is not therefore within the range of concentration as it now appears in claims 13 and 14 of the present application.

At such a concentration, the composition described in D1 can in no way enable the effect sought after according to the present application to be obtained, namely to enable the deposit of drops upon make-up of keratin fibres, which effect not being sought after according to this document in any way.

Thus, document D1, even though it relates to compositions which contain dimethiconols, does in no way suggest using the particular dimethiconol (SGM-36) for the very particular make-up of keratin fibres.

The method of the invention, as well as the compositions claimed, are, under these conditions, novel and inventive.

Yours faithfully,

Gerard PORTAL

Françoise GIRAUD

**Enc. New claims (p 15 to 19) + Acknowledgement of receipt**